



**DEBRA BOWEN** | SECRETARY OF STATE | STATE OF CALIFORNIA  
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June 6, 2007

Mr. Lindsey McWilliams  
Elections Manager  
County of Humboldt  
3033 H Street, Room 20  
Eureka, CA 95501

Dear Mr. McWilliams:

Thank you for your follow-up letter asking for permission to use the Hart data translation program known as InFusion.

As you may be aware, Hart implemented at least four known utilities into voting systems around the state under previous administrations, despite the fact that those utilities had never received federal or state certification. Although this had been pointed out to Hart as early as December 2005, Hart continued to market these utilities to new customers last year.

After considering the situation in which Humboldt County finds itself, the fact that a number of other counties are using this same utility, and the low risk that InFusion poses in terms of introducing programming code errors into the larger voting system, I will grant your request to use this utility in your November 2007 and February 2008 elections, subject to the following conditions:

- ☐ That Humboldt County adopt formal audit procedures to verify correct import of data into BOSS and the subsequent election setup and definition within BOSS. These procedures are to be submitted to my office for review and approval no later than August 31, 2007.
- ☐ That Humboldt County provide a post-election report to my office by the 40<sup>th</sup> day following each election that includes the following: (1) describes how the utility performed in the election; (2) identifies any issues that were encountered in implementation of the utility and explains how these were resolved; (3) identifies any issues related to election definition that were encountered throughout the election and explains how these were resolved; (4) certifies that the County adhered to the approved audit procedures above; and (5) identifies any lessons learned or County recommendations for future use of the InFusion utility.

This conditional approval does not answer the larger question of whether the InFusion utility and Hart's other utilities are part of a voting system, and as such would require federal and state certification. I want to make it clear that I intend to look at that question in a much larger context, and I shared that intention with the representatives of Hart when I met with them earlier this year.

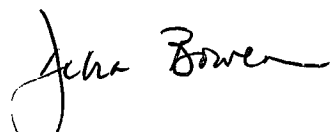
Page 2

Mr. Lindsey McWilliams

June 6, 2007

Thank you again for your letter. If you have any questions, please feel free to call me or Lowell Finley, my Deputy Secretary of State for Voting Systems Technology & Policy, at (916) 653-7244.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra Bowen". The signature is fluid and cursive, with the first name "Debra" written in a larger, more prominent script than the last name "Bowen".

Debra Bowen  
Secretary of State

DB:elg:lf:bm